



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Steve Tate, Mayor Pro Tempore	Steve Tate, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Mark Grzan, Council Member	Mark Grzan, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, JULY 6, 2005

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	City of Morgan Hill v. Hernandez
Case Number:	Santa Clara County Superior Court, Case No. 1-04-CV-020063
Attendees:	City Manager, Interim City Attorney, and Attorney Gale Connor

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority	Government Code 54957
Public Employee Performance Evaluation:	City Manager
Attendees:	City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITION

Retiring Morgan Hill Unified School District Superintendent
Carolyn McKennan

PRESENTATION

Briefing on High Speed Rail Project
Laura Stuchinsky, Silicon Valley Leadership Group

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-10 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **AWARD OF PROFESSIONAL SERVICES CONTRACT TO PREPARE CIVIL/URBAN DESIGN DOCUMENTS FOR DEPOT STREET RECONSTRUCTION PROJECT** 1
 Recommended Action(s): Authorize the City Manager to Execute a Consultant Agreement with BKF Engineers in the Amount of \$308,945 for the Preparation of Civil and Urban Design Documents for the Depot Street Reconstruction Project, Subject to Review and Approval by the City Attorney and Caltrans Pre-Award Audit Process.
2. **PUBLIC WORKS MAINTENANCE AGREEMENT FOR WELL SITE EMERGENCY REPAIRS, MAINTENANCE AND PARTS FOR FISCAL YEAR 2005-2007** 11
 Recommended Action(s):
 1. Approve New Maintenance Agreement for Emergency Repairs, Maintenance, and Parts for Well Sites; and
 2. Authorize the City Manager to Execute the Agreement on Behalf of the City.
3. **AMEND PROFESSIONAL SERVICES CONTRACT FOR THE PREPARATION OF AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR BUTTERFIELD BOULEVARD** 19
 Recommended Action(s):
 1. Approve Additional Scope of Work for David J. Powers and Associates in the Amount of \$5,000; and
 2. Authorize the City Manager to Execute an Amendment to the Existing Professional Services Agreement for Preparation of an Addendum to the 1992 Environmental Impact Report (SEIR) for the Purposes of Extending Butterfield Boulevard South from Tennant Avenue to Watsonville Road, Subject to Review and Approval by the City Attorney.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
4.	<u>AWARD OF CONTRACT TO PROVIDE PUBLIC WORKS INSPECTIONS ON AN AS-NEEDED BASIS</u>	23
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> a Professional Services Contract with Testing Engineers, Inc. (TEI) to Provide Public Works Inspection Services on an As-Needed Basis at a Not-to-Exceed Cost of \$90,000 for Fiscal Year 2005-2006; and	
	2. <u>Authorize</u> the City Manager to Execute the Contract, Subject to Review and Approval by the City Attorney.	
5.	<u>APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH EUROCRAFT DEVELOPMENT, INC. (APN 773-08-012)</u>	31
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Subdivision Agreement and Improvement Plans;	
	2. <u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and	
	3. <u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
6.	<u>RESPONSE TO 2004-2005 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT “TASERS-TRAINING AND TRACKING”</u>	43
	<u>Recommended Action(s):</u> <u>Direct</u> Staff to Provide the 2005-2005 Santa Clara County Civil Grand Jury with the responses contained in the staff report.	
7.	<u>ADOPT ORDINANCE NO. 1727, NEW SERIES</u>	55
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1727, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1685, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-97-22: SPRING – MALONE/SPEER TO ALLOW FOR A ONE YEAR EXTENSION OF TIME FOR A SINGLE CUSTOM LOT BUILDING ALLOTMENT RECEIVED IN THE 1998-99 RDCS COMPETITION. (APN 767-53-012) (DAA-98-11: SPRING-MALONE/SPEER).	
8.	<u>ADOPT ORDINANCE NO. 1728, NEW SERIES</u>	61
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1728, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MC-04-25: COCHRANE – LUPINE (APN 728-34-022) (DA-05-02: COCHRANE - LUPINE).	
9.	<u>ADOPT ORDINANCE NO. 1729, NEW SERIES</u>	67
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1729, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1718, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-02-17: HILL - GERA (APN 728-07-47, 728-07-48, 728-07-49, 728-07-50, 728-07-51, 728-08-014, 728-08-015) (DA-04-04: HILL - GERA).	

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

10. **ADOPT ORDINANCE NO. 1730, NEW SERIES** 73
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1730, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE PRECISE DEVELOPMENT PLAN APPROVED UNDER ORDINANCE NO. 1546, NEW SERIES FOR THE TENNANT STATION SHOPPING CENTER LOCATED IN THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ON THE SOUTHEAST CORNER OF THE INTERSECTION OF MONTEREY ROAD AND TENNANT AVENUE. (APN's 817-06-039, 040 & 41) (ZAA-01-20: Tennant Safeway).**

Redevelopment Agency Action

CONSENT CALENDAR:

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Consent Calendar: 1 - 10 Minutes

11. **AGREEMENT FOR OUTSIDE LEGAL COUNSEL (RICHARDS, WATSON & GERSHON)** 87
Recommended Action(s): Authorize the Executive Director to Execute a Consultant Agreement for Legal Services in Fiscal Year 2005-2006 with Richards, Watson & Gershon in the Amount of \$75,000, Subject to Review and Approval by Agency Counsel.
12. **CONSULTANT AGREEMENT WITH BENCHMARK** 101
Recommended Action(s): Authorize the Executive Director to Negotiate and Execute a Consultant Services Agreement with Benchmark for Fiscal Year 2005-2006 to Provide Project Management Services and Lead Testing for Housing Improvement Programs in an Amount not to exceed \$402,500; Subject to Review and Approval by Agency Counsel.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 13-14

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Consent Calendar: 1 - 10 Minutes

13. **APPROVE REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 15, 2005** 105
14. **APPROVE SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 22, 2005** 135

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
15.	20 Minutes	<u>FOX HOLLOW-MURPHY SPRINGS ASSESSMENT DISTRICT PUBLIC HEARING AND ADOPTION OF RESOLUTIONS CONFIRMING FISCAL YEAR 2005-2006 ASSESSMENT INCREASES PURSUANT TO PROPOSITION 218</u>	149
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> 16 Resolutions Declaring the Results of the Ballot Proceedings for Each Sub-Area; and Action- <u>Adopt</u> the Resolution Ordering the Levy of Assessments and Approving the Amended Engineer's Report.	
16.	30 Minutes	<u>APPLICATION ZA-05-04: TEXT AMENDMENT – RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA</u>	281
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
17.	10 Minutes	<u>SOLID WASTE PROGRAM CHANGES</u>	365
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Authorize</u> the City Manager to Execute the Franchise Agreement Subject to the Review and Approval of the City Attorney.	

City Council and Redevelopment Agency Action

PUBLIC HEARINGS:

	Time Estimate		Page
18.	10 Minutes	<u>DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) WITH EL TORO BREWING</u>	407
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolutions Approving the DDA and Authorizing the Executive Director to Execute the Agreement, Including Making Non-Material Modifications, Subject to Review and Approval by Agency Counsel.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
19.	10 Minutes	<u>RECRUITMENT OF CITY ATTORNEY</u>	453
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> Whether to Recruit for a Full Time City Attorney; and	
		2. <u>Provide</u> Direction on the Process and Schedule.	
20.	15 Minutes	<u>BOARD AND COMMISSION INTERVIEW AND APPOINTMENT PROCESS</u>	467
		<u>Recommended Action(s):</u> <u>Consider</u> the Mayor's Fundamental Principles to Guide the Board and Commission Recruitment, Interview and Appointment Process.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT